7 **S.B. CIVIL MISC. APPEAL NO.1326/2006.**
Rekha & Ors. Vs. Madan Singh & Ors.

Date of Order :: 17th January 2007.

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr. Rohitashwa Singh for
Mr. Pushpendra Singh, for the appellants.

...

BY THE COURT:

By way of this appeal, the claimants seek enhancement over the amount of Rs.6,42,000/- awarded by the Tribunal as compensation on account of accidental death of Ghewar Chand, about 24 years in age, husband of the appellant No.1, father of the appellant No.2 and son of the appellants Nos. 3 and 4.

For quantification of compensation, the Tribunal has taken note of the submissions of the claimants that the deceased was earning by way of Photography and Videography and was also maintaining an STD Booth. The Tribunal has taken note of the evidence produced on record, including a bill book Ex.28, with reference to the assertion of the claimants about the income of the deceased at Rs.7,500/- per month; but for want of any cogent corroborative evidence, has put an estimate on the income of the deceased at Rs.4,500/- per month and after deducting one-third wherefrom,

has taken loss of contribution for the claimants at Rs.3,000/- per month and with application of multiplier of 17, has assessed pecuniary loss at Rs.6,12,000/- The Tribunal has further allowed Rs.25,000/- towards non-pecuniary loss to the claimants and another Rs.5,000/- towards funeral expenses.

The claimants-appellants submit that there being no rebuttal of the evidence produced by them regarding income of the deceased, the Tribunal was in error in putting an estimate on such income only at Rs.4,500/- per month and in not accepting the income of the deceased as established by the claimants-appellants even if by way of oral evidence. The submissions are not well founded.

The deceased was shown at about 24-25 years in age and being engaged in Photography and Videography business. The assertion of claimants about the income of deceased at Rs.7,500/- per month cannot be accepted for want of any cogent corroborative evidence. Even the bill book Ex.28 produced by the claimants does not lead to a definite conclusion that the deceased was earning a net income of Rs.7,500/- per month.

In the overall circumstances of the case, the Tribunal has put rather a higher side estimate on the income of the deceased and has applied maximum side multiplier of 17.

In the ultimate analysis, the award of compensation made by the Tribunal in the sum of Rs.6,42,000/- cannot be said to be too low or grossly inadequate in the facts and circumstances of this case so as to warrant interference in appeal at the instance of the claimants.

The appeal fails and is, therefore, dismissed summarily.

(DINESH MAHESHWARI), J.

//Mohan//